

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.)
)
 MARIO DARNELL SMITH,)
)
 Defendant.)

Case No. 4:11 CR 288 RWS

ORDER

This matter is before me on Defendant Mario Darnell Smith's objections to the Report and Recommendation of the United States Magistrate Judge denying Defendant's Motions to Suppress and for Defendant's request for a "Franks Hearing."

Pursuant to 28 U.S.C. § 636(b) the Defendant's Motions to Suppress Statements, Motion to Suppress Physical Evidence and Defendant's challenge to the search warrant under the rationale of Franks v. Delaware, 438 U.S. 154 (1978) were referred to United States Magistrate Judge Terry I. Adelman. The United State Attorney filed a written response to the motion. Judge Adelman held hearings on the motions on September 15, 2011 and March 13, 2012. These issues were briefed by the Defendant Smith and the United States Attorney. On

December 21, 2011 and March 13, 2012 Judge Adelman filed his Memorandum and Recommendations recommending that all of Defendant's Motions should be denied. On March 26, 2012 the defendant filed objections to Judge Adelman's "Reports and Recommendations."¹

I have conducted a *de novo* review of the briefs and the evidentiary hearing.

After carefully considering the motions, the evidentiary hearings and Judge Adelman's Memorandums and Recommendations, I will adopt and sustain the thorough reasoning of Judge Adelman set forth in support of his recommended rulings.

Accordingly,


IT IS HEREBY ORDERED that the December 21, 2011 Memorandum and Recommendation [85] and the March 13, 2012 Memorandum and Recommendation [106] of United States Magistrate Judge Terry I Adelman is **SUSTAINED, ADOPTED, and INCORPORATED** herein.

IT IS FURTHER ORDERED defendant Mario Darnell Smith's Motions To Suppress Evidence and Statements [22], Motions To Suppress Physical

¹Judge Adelman's recommended rulings were set forth in two orders titled "Memorandum and Recommendation of United States Magistrate Judge."

Evidence [23] and his challenge to the search warrant under Franks v.

Delaware, [58] are **DENIED**.



RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE

Dated this 17th day of April, 2012.